



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

APR 13 2004

FOLEY AND LARDNER
ONE MARITIME PLAZA, SIXTH FLOOR
SAN FRANCISCO, CA 94111-3404

11

In re Application of :
Gregory M. Fahy :
Serial No.: 09/916,032 : PETITION DECISION
Filed: July 26, 2001 :
Attorney Docket No.: 074066-0105 :

This is in response to the petition under 37 CFR 1.181, filed December 4, 2003, for withdrawal of abandonment based on non-receipt of an Office action. The delay in acting on this petition is regretted.

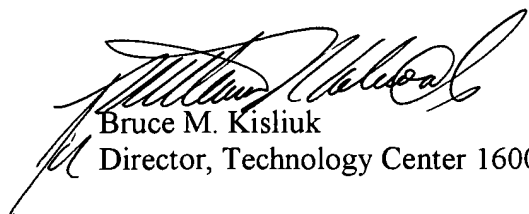
A review of the file history shows that this application was filed with a correspondence address of: KNOBBE MARTENS OLSON & BEAR, 620 NEWPORT CENTER DRIVE, NEWPORT BEACH, CA 92660. The Office mailed a Notice of Missing Parts to applicant at that address on August 13, 2001, requiring submission of a signed declaration. The declaration was filed on October 11, 2001, and appointed FOLEY AND LARDNER at the above address as attorneys of record. Through inadvertence this change of correspondence address was not recorded when processing the application. Thus the first Office action was mailed to the Knobbe Martens address on December 20, 2001. A reply was received on June 20, 2002, with a three month extension of time and a notation of the correct address. The examiner mailed a new Office action to the old address on September 26, 2002, setting a one month shortened statutory period for reply. When no reply was received a Notice of Abandonment was mailed to the same address. The Office erred in failing to record the correct correspondence address. In view of the Office error in not utilizing the correct correspondence address, the Notice of Abandonment is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

As applicant has obtained a copy of the Office action of September 26, 2002, and provided a reply, the application will be forwarded to the examiner for consideration thereof.

The correct correspondence will be entered in the Office's electronic data base.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.



Bruce M. Kisliuk
Director, Technology Center 1600